

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re DMCA Subpoena to Amazon.com, Inc.

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)
)

DECLARATION OF JENNIFER M. HART

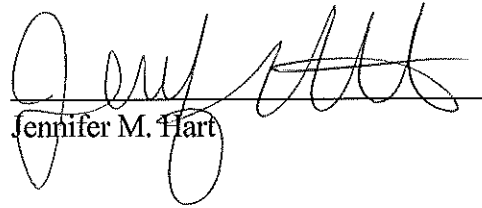
I, Jennifer M. Hart, Esq., declare, under penalty of perjury, as follows:

1. I am over the age of 18 and am competent to testify to the matters contained here. I have personal knowledge of the matters contained in this Declaration.
2. I am an attorney with the law firm of Kohrman Jackson & Krantz LLP. I represent The NOCO Company ("NOCO").
3. NOCO designs and manufactures a number of proprietary products that it lists for sale on Amazon.com (the "Products"). NOCO developed copyrighted material, including photos, illustrations and text (the "Copyrighted Material") for each of the Products. In order to list the Products for sale on Amazon.com, NOCO provided the Copyrighted Material to Amazon.com in connection with a number of Amazon Standard Identification Numbers ("ASINs"). A list of the affected ASINs is attached as Exhibit A.
4. Numerous individuals are selling the Products on Amazon.com without NOCO's authorization, and by using the ASINs are infringing on NOCO's copyright in the Copyrighted Material.
5. NOCO seeks to subpoena Amazon.com, Inc. ("Amazon") for documents containing personally-identifying information of the Amazon sellers who are infringing NOCO's copyright.

6. The objective of subpoenaing Amazon is to obtain the identities of the alleged infringers, and such information obtained from Amazon will only be used for the purpose of protecting NOCO's rights under 17 U.S. Code § 101, *et seq.*

7. Attached as Exhibit B to this Declaration is a true and correct copy of the notification sent to Amazon, pursuant to 17 U.S.C. § 512(C)(3)(A).

DATED: February 15, 2017



Jennifer M. Hart

ASIN	Link	Unauthorized Resellers
B015TKPT1A	https://www.amazon.com/NOC-O-GB40-UltraSafe-Lithium-Starter/dp/B015TKPT1A/ref=sr_1_2?ie=UTF8&qid=1485357334&sr=8-2&keywords=noco&th=1	David's Tools Parts-Guys MASS Depot Amazing Deals Online eCop! My Direct Deals IPC-Store
B015TKUPIC	https://www.amazon.com/dp/B015TKUPIC/ref=olp_product_details?encoding=UTF8&me=	David's Tools Wraith&Co GP Corp Dan's Elite Products Amazing Deals Online MASS Depot BoxyBay [On Sale (ending soon) Authorized] Overloaded Mobile Global Supply Store My Deals Direct eCop! IPC-Store Dan's Elite Products
B016UG6PWE	https://www.amazon.com/dp/B016UG6PWE/ref=twister_B0183F272W?encoding=UTF8&psc=1	David's Tools Amazing Deals Online stores123 JWPerformance Dan's Elite Products traxxion MASS Depot Overloaded Mobile Global Supply Store IPC-Store BoxyBay [On Sale (ending soon) Authorized]

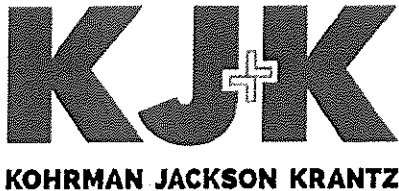


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ASIN	Link	Unauthorized Resellers
B015TKSSB8	https://www.amazon.com/dp/B015TKSSB8/ref=olp_product_details?encoding=UTF8&me=	JB Tool Sales JWPerformance Lawnmowerpartsworld Dan's Elite Products Amazing Deals Online traxxion MASS Depot BoxyBay [On Sale (ending soon) Authorized] Overloaded Mobile Global Supply Store Less Is Always More LLC [BIG SALE AUTHORIZED DEALER] IPC-Store
B004LX3AS6	https://www.amazon.com/gp/product/B004LX3AS6/ref=s9_acs_d_al_bw_c_x_1_w	JWPerformance Overloaded Mobile eCopl Phat Performance Parts MotorSport Supply DigitalShopper IPC-Store
B004LX3AXQ	https://www.amazon.com/dp/B004LX3AXQ/ref=olp_product_details?encoding=UTF8&me=	JWPerformance traxxion MASS Depot Tool Deals Overloaded Mobile Amazing Deals Online eCopl JB Tool Sales IPC-Store DigitalShopper
B004LWVEKS	https://www.amazon.com/dp/B004LWVEKS/ref=olp_product_details?encoding=UTF8&me=	AtRo Racing Products Amazing Deals Online JWPerformance salechamps MASS Depot Global Supply Store eCopl CosmeticMall DigitalShopper MotorSport Supply

ASIN	Link	Unauthorized Resellers
B0068EV26I	https://www.amazon.com/dp/B0068EV26I/ref=olp_product_details?encoding=UTF8&me=	Amazing Deals Online MASS Depot BoxyBay [On Sale (ending soon) Authorized] Global Supply Store DigitalShopper eCopl IPC-Store MotorSport Supply
B004LWTHP2	https://www.amazon.com/dp/B004LWTHP2/ref=olp_product_details?encoding=UTF8&me=	MotorGod Dan's Elite Products JWPerformance Overloaded Mobile DigitalShopper CosmeticMall MotorSport Supply
B00PKIBVU0	https://www.amazon.com/dp/B00PKIBVU0/ref=olp_product_details?encoding=UTF8&me=&th=1	Amazing Deals Online Overloaded Mobile BoxyBay [On Sale (ending soon) Authorized] DigitalShopper Global Supply Store eCopl MotorSport Supply
B004LX14Z2	https://www.amazon.com/dp/B004LX14Z2/ref=twister_B01M0PWX9Y?encoding=UTF8&psc=1	Amazing Deals Online Dan's Elite Products AZ BATTERY STORE Less Is Always More LLC [BIG SALE AUTHORIZED DEALER] Overloaded Mobile Global Supply Store DigitalShopper IPC-Store eCopl CosmeticMall MotorSport Supply
B01FRQTXCC	https://www.amazon.com/dp/B01FRQTXCC/ref=olp_product_details?encoding=UTF8&me=	Overloaded Mobile

ASIN	Link	Unauthorized Resellers
B00CBTRMZ4	https://www.amazon.com/dp/B00CBTRMZ4/ref=olp_product_details?_encoding=UTF8&me=	Parts-Guys Overloaded Mobile BoxyBay [On Sale (ending soon) Authorized] Less Is Always More LLC [BIG SALE AUTHORIZED DEALER] Global Supply Store DigitalShopper CosmeticMall MotorSport Supply
B003JSHQW0	https://www.amazon.com/dp/B003JSHQW0/ref=olp_product_details?_encoding=UTF8&me=	CPO Outlets MASS Depot BoxyBay [On Sale (ending soon) Authorized] Overloaded Mobile Global Supply Store IPC-Store CosmeticMall
B003JSJS5I	https://www.amazon.com/dp/B003JSJS5I/ref=olp_product_details?_encoding=UTF8&me=	CPO Outlets MASS Depot Overloaded Mobile Less Is Always More LLC [BIG SALE AUTHORIZED DEALER]
B00CBTRN26	https://www.amazon.com/gp/product/B00CBTRN26/ref=s9_acsd_al_bw_c_x_1_w?th=1	Parts-Guys Amazing Deals Online Overloaded Mobile My Deals Direct eCopl DigitalShopper Shop Eddies MotorSport Supply
B003JSO1X2	https://www.amazon.com/dp/B003JSO1X2/ref=olp_product_details?_encoding=UTF8&me=&th=1	CPO Outlets MASS Depot Overloaded Mobile DigitalShopper IPC-Store CosmeticMall
B003JSLWWA	https://www.amazon.com/dp/B003JSLWWA/ref=twister_B0185ZYJUS?_encoding=UTF8&pssc=1	CPO Outlets MASS Depot Overloaded Mobile DigitalShopper CosmeticMall



David R. Posteraro | Partner

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Main: 216.696.8700 | Toll-free: 888.696.8700 | Fax: 216.621.6536

VIA EMAIL AND REGULAR MAIL

Copyright Agent
Amazon.com Legal Department
P.O. Box 81226
Seattle, WA 98108
e-mail: copyright@amazon.com

RE: Notice to Amazon.com, Inc. under Digital Millennium Copyright Act

Dear Sir or Madam,

Please be advised that the undersigned and the law firm of Kohrman Jackson & Krantz LLP represent The NOCO® Company ("NOCO"). As you have been informed previously via emails to copyright@amazon.com, a number of individuals and/or corporations (collectively, the "Unauthorized Resellers") are using amazon.com to violate NOCO's copyright and other intellectual property rights in a number of images, text and illustrations via unauthorized access to Amazon Standard Identification Numbers ("ASINs").

NOCO provided copyrighted material to Amazon in connection with the ASIN for each of its products, including product descriptions, images, and other documentation regarding the products. Indeed, all of the (i) product descriptions; (ii) text; and (iii) images associated with the ASINs for NOCO products are NOCO's copyrighted material. Copies of the original files that were provided to Amazon for each ASIN are attached.¹

The use of these ASINs by the Unauthorized Resellers is a violation of NOCO's rights in its copyrighted materials. A listing of Unauthorized Resellers for each ASIN is attached for your reference as Schedule A.

This letter is official notification under Section 512(c) of the Digital Millennium Copyright Act ("DMCA"), and I seek the removal of the listings by the Unauthorized Resellers for each of the ASINs on Schedule A. I further request that you immediately notify the Unauthorized Resellers of this notice and inform them of their duty to remove the listings immediately, and notify them to cease any further unauthorized posting of sales on amazon.com in the future.

Please also be advised that law requires you, as a service provider, to disable access to the infringing materials upon receiving this notice. Under US law a service provider, such as yourself, enjoys immunity from a copyright lawsuit provided that you act with deliberate speed to investigate and rectify ongoing copyright infringement. If service providers do not investigate and remove or disable the infringing material this immunity is lost. Therefore, in order for you to remain immune from a copyright

¹ The material for certain ASINs may have been updated since the original submission, however, all of the content for each of the ASINs remains NOCO's copyrighted property.



KJK.COM

CLEVELAND + COLUMBUS



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Main: 216.696.8700 | Toll-free: 888.696.8700 | 216.621.6536

infringement action you will need to investigate and ultimately remove or otherwise disable access to these ASINs by the Unauthorized Resellers and remove their postings with all due speed should the direct infringer not comply immediately.

In addition, please preserve all documents, including electronically stored information, relating to the sellers listed below, including, without limitation, all personally-identifying information pertaining to these sellers and all transaction records associated with these accounts.

I am providing this notice in good faith and with the reasonable belief that rights NOCO owns are being infringed. Under penalty of perjury I certify that the information contained in the notification is both true and accurate, and I have the authority to act on behalf of the owner of the copyright(s) involved.

Sincerely,

A handwritten signature in black ink, appearing to read 'David R. Posteraro', written over a horizontal line.

David R. Posteraro

Enclosure

Schedule A

ASIN	Link	Unauthorized Resellers
B015TKPT1A	https://www.amazon.com/NOCO-GB40-UltraSafe-Lithium-Starter/dp/B015TKPT1A/ref=sr_1_2?ie=UTF8&qid=1485357334&sr=8-2&keywords=noco&th=1	David's Tools Parts-Guys MASS Depot Amazing Deals Online eCop! My Direct Deals IPC-Store
B015TKUPIC	https://www.amazon.com/dp/B015TKUPIC/ref=olp_product_details?encoding=UTF8&me=	David's Tools Wraith&Co GP Corp Dan's Elite Products Amazing Deals Online MASS Depot BoxyBay [On Sale (ending soon) Authorized] Overloaded Mobile Global Supply Store My Deals Direct eCop! IPC-Store Dan's Elite Products
B016UG6PWE	https://www.amazon.com/dp/B016UG6PWE/ref=twister_B0183F272W?encoding=UTF8&psc=1	David's Tools Amazing Deals Online stores123 JWPerformance Dan's Elite Products traxxion MASS Depot Overloaded Mobile Global Supply Store IPC-Store BoxyBay [On Sale (ending soon) Authorized]

ASIN	Link	Unauthorized Resellers
B015TKSSB8	https://www.amazon.com/dp/B015TKSSB8/ref=olp_product_details?encoding=UTF8&me=	JB Tool Sales JWPerformance Lawnmowerpartsworld Dan's Elite Products Amazing Deals Online traxxion MASS Depot BoxyBay [On Sale (ending soon) Authorized] Overloaded Mobile Global Supply Store Less Is Always More LLC [BIG SALE AUTHORIZED DEALER] IPC-Store
B004LX3AS6	https://www.amazon.com/gp/product/B004LX3AS6/ref=s9_acs_d_al_bw_c_x_1_w	JWPerformance Overloaded Mobile eCop! Phat Performance Parts MotorSport Supply DigitalShopper IPC-Store
B004LX3AXQ	https://www.amazon.com/dp/B004LX3AXQ/ref=olp_product_details?encoding=UTF8&me=	JWPerformance traxxion MASS Depot Tool Deals Overloaded Mobile Amazing Deals Online eCop! JB Tool Sales IPC-Store DigitalShopper
B004LWVEKS	https://www.amazon.com/dp/B004LWVEKS/ref=olp_product_details?encoding=UTF8&me=	AtRo Racing Products Amazing Deals Online JWPerformance salechamps MASS Depot Global Supply Store eCop! CosmeticMall DigitalShopper MotorSport Supply

ASIN	Link	Unauthorized Resellers
B0068EV26I	https://www.amazon.com/dp/B0068EV26I/ref=olp_product_details? encoding=UTF8&me=	Amazing Deals Online MASS Depot BoxyBay [On Sale (ending soon) Authorized] Global Supply Store DigitalShopper eCop! IPC-Store MotorSport Supply
B004LWTHP2	https://www.amazon.com/dp/B004LWTHP2/ref=olp_product_details? encoding=UTF8&me=	MotorGod Dan's Elite Products JWPerformance Overloaded Mobile DigitalShopper CosmeticMall MotorSport Supply
B00PKIBVU0	https://www.amazon.com/dp/B00PKIBVU0/ref=olp_product_details? encoding=UTF8&me=&th=1	Amazing Deals Online Overloaded Mobile BoxyBay [On Sale (ending soon) Authorized] DigitalShopper Global Supply Store eCop! MotorSport Supply
B004LX14Z2	https://www.amazon.com/dp/B004LX14Z2/ref=twister_B01M0PWX9Y? encoding=UTF8&psc=1	Amazing Deals Online Dan's Elite Products AZ BATTERY STORE Less Is Always More LLC [BIG SALE AUTHORIZED DEALER] Overloaded Mobile Global Supply Store DigitalShopper IPC-Store eCop! CosmeticMall MotorSport Supply
B01FRQTXCC	https://www.amazon.com/dp/B01FRQTXCC/ref=olp_product_details? encoding=UTF8&me=	Overloaded Mobile

ASIN	Link	Unauthorized Resellers
B00CBTRMZ4	https://www.amazon.com/dp/B00CBTRMZ4/ref=olp_product_details? encoding=UTF8&me=	Parts-Guys Overloaded Mobile BoxyBay [On Sale (ending soon) Authorized] Less Is Always More LLC [BIG SALE AUTHORIZED DEALER] Global Supply Store DigitalShopper CosmeticMall MotorSport Supply
B003JSHQW0	https://www.amazon.com/dp/B003JSHQW0/ref=olp_product_details? encoding=UTF8&me=	CPO Outlets MASS Depot BoxyBay [On Sale (ending soon) Authorized] Overloaded Mobile Global Supply Store IPC-Store CosmeticMall
B003JSJS5I	https://www.amazon.com/dp/B003JSJS5I/ref=olp_product_details? encoding=UTF8&me=	CPO Outlets MASS Depot Overloaded Mobile Less Is Always More LLC [BIG SALE AUTHORIZED DEALER]
B00CBTRN26	https://www.amazon.com/gp/product/B00CBTRN26/ref=s9_acsd_al_bw_c_x_1_w?th=1	Parts-Guys Amazing Deals Online Overloaded Mobile My Deals Direct eCop! DigitalShopper Shop Eddies MotorSport Supply
B003JSO1X2	https://www.amazon.com/dp/B003JSO1X2/ref=olp_product_details? encoding=UTF8&me=&th=1	CPO Outlets MASS Depot Overloaded Mobile DigitalShopper IPC-Store CosmeticMall
B003JSLWWA	https://www.amazon.com/dp/B003JSLWWA/ref=twister_B0185ZYJUS? encoding=UTF8&psc=1	CPO Outlets MASS Depot Overloaded Mobile DigitalShopper CosmeticMall